



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

*PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/485,598
Filing Date	Feb. 14, 2000
First Named Inventor	Bernard C. Sherman
Group Art Unit	1615
Examiner Name	Amy E. Pulliam
Attorney Docket Number	PT-1909000

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) Instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s) (2)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other Request for Three Month Extension of Time.

RECEIVED

DEC 03 2002

TECH CENTER 1600/2900

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. Other _____

3. Fees

- The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a. The Director is hereby authorized to charge the following fees or credit any overpayments, to Deposit Account No. 08-3255
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other _____
 - b. Check in the amount of \$1,660.00 USD enclosed
 - c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Neil H. Hughes, P. Eng.	Registration No. (Attorney/Agent)	33,636
Signature			
Date	November 26, 2002		

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

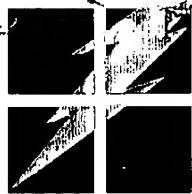
Name (Print/Type)		Date	
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

11/29/2002 MROCHA1 0000078 09485598

01 FC:1801

740.00 DP



Ivor M. Hughes

Barrister & Solicitor

Patent & Trade Mark Agents
Canada, United States

RCE/1615
Barristers & Solicitors
Ivor M. Hughes
Rick Tuzi
Patent Agents
Neil H. Hughes, P.Eng.
Marcelo K. Sarkis, P.Eng.
Wm. Kitt Sinden



Our Ref: PT-1909000

November 26, 2002

VIA COURIER

Assistant Commissioner for Patents
UNITED STATES PATENT OFFICE
Box RCE
Washington, DC 20231

RECEIVED
DEC 03 2002
TECH CENTER 1600/2900

Dear Sir:

Re: Request for Continued Examination
Application Serial No. 09/485,598, filed on February 14, 2000
of Bernard Charles Sherman
for PHARMACEUTICAL COMPOSITION COMPRISING CEFUROXIME
AXETIL
Examiner: Amy E. Pulliam Group Art Unit: 1615
Due Date: November 30, 2002
CUSTOMER NO. 23607

Please find enclosed herewith the following:

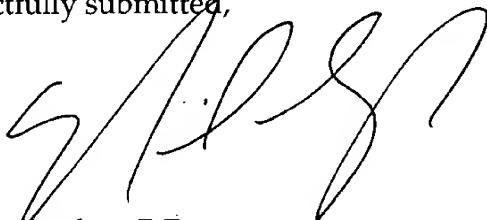
1. Request for Continued Examination (RCE) Transmittal of United States Application Serial No. 09/485,598 under 37 C.F.R. §1.114;
2. Submission: Response to the Examiner's Action dated May 31, 2002 finally rejecting claims 1 to 20 as a Preliminary Amendment for a Continued Examination (RCE);
3. Three Month Extension of Time and the prescribed fee for a large entity;
4. Cheque in the amount of \$1,660.00 USD in payment of:
 - \$740.00 USD for the filing fee for the Request for Continued Examination (RCE) for a large entity; and
 - \$920.00 USD for the filing fee for the Three Month Extension of Time for a large entity;

5. Notarial Copies of Declarations of Dr. Robert Langer dated September 11, 2002 and November 5, 2002;
5. Also enclosed herewith is a stamped, self-addressed verification card which we request that you kindly acknowledge and return to this office at the earliest opportunity.

If there should occur an overpayment or an underpayment of the above-identified fees in respect of this submission, the Commissioner is authorized to access Deposit Account Number 08-3255 to make the appropriate adjustments and advise Applicant's agent;

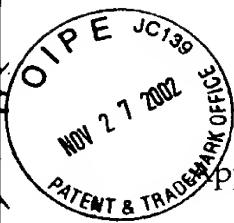
We thank the Patent Office for its cooperation in this regard and look forward to receiving filing data in this matter.

Respectfully submitted,



Neil H. Hughes, P.Eng.
Registration No. 33,636
Agent for Applicant

NHH:mse
Enclosures



IN THE UNITED STATES PATENT OFFICE

16/Prel
+ Declaration

Application Serial No. 09/485,598

Our Ref.: PT-1909000
CUSTOMER NO. 23607

Applicant: Bernard Charles Sherman Agent: Neil H. Hughes
Ivor M. Hughes
Barrister & Solicitor
Patent & Trade Mark Agents
Suite 200
175 Commerce Valley Dr. W.
Thornhill, Ontario
Canada L3T 7P6

Bet
12-12-02

Title: PHARMACEUTICAL COMPOSITIONS COMPRISING
CEFUROXIME AXETIL

Inventor: Bernard Charles Sherman

Examiner: Amy E. Pulliam

Group Art Unit: 1615 Due Date: November 30, 2002

**PRELIMINARY AMENDMENT IN A CONTINUING PRACTISE APPLICATION IN
RESPONSE TO EXAMINER'S ACTION DATED
AUGUST 31, 2002
AMENDMENTS AND REMARKS**

November 26, 2002

VIA COURIER

The Commissioner of Patents
UNITED STATES PATENT OFFICE
2011 South Clark Place
Crystal Plaza 2, Room 1B03
Arlington, Virginia
U.S.A. 22202

RECEIVED

DEC 08 2002

TECH CENTER 1600/2900

Dear Sir:

In response to the outstanding Official Action dated May 31, 2002 and due for response August 31, 2002, Applicant encloses a Request for a three month extension of time with the fee for a large entity of \$920.00 U.S. funds making this

response due November 30, 2002. If there is any deficiency or surplusage of the fees enclosed for the Extension of Time (fee), please obtain any such deficiency or credit the surplusage to our Deposit Account No. 08-3255.

Applicant respectfully requests that the following submissions for a Continued Examination (RCE) be entered as a Response to the Examiner's Action dated May 31, 2002 finally rejecting claims 1 to 20. The required fee in the amount of **\$740.00 USD** in payment of the base filing fee for a Request for Continued Examination (RCE) for a large entity is enclosed.

Applicant encloses herewith two Notarial Copies of Affidavits of Dr. Robert Langer dated September 11, 2002 and November 5, 2002.

Applicant encloses a cheque in the amount of **\$1,660.00 USD** which consists of \$740.00 USD in payment of the filing fee for the Request for Continued Examination (RCE); and \$920.00 USD in payment of the filing fee for the Three Month Extension of Time. If there are any fees required as a result of amendments made in this response, the Commissioner is hereby authorized to debit our Deposit Account No. 08-3255.

Please enter the following submissions:

IN THE ABSTRACT

No changes.

IN THE DISCLOSURE

No changes.